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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,372	09/24/2003	Roderick B. Jagos	024.0038	1857
29906	7590	11/28/2006		
INGRASSIA FISHER & LORENZ, P.C. 7150 E. CAMELBACK, STE. 325 SCOTTSDALE, AZ 85251				
EXAMINER ADAMS, GREGORY W				
ART UNIT			PAPER NUMBER	
3652				

DATE MAILED: 11/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/671,372

Applicant(s)

JAGOS ET AL.

Examiner

Gregory W. Adams

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 2, 2006 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

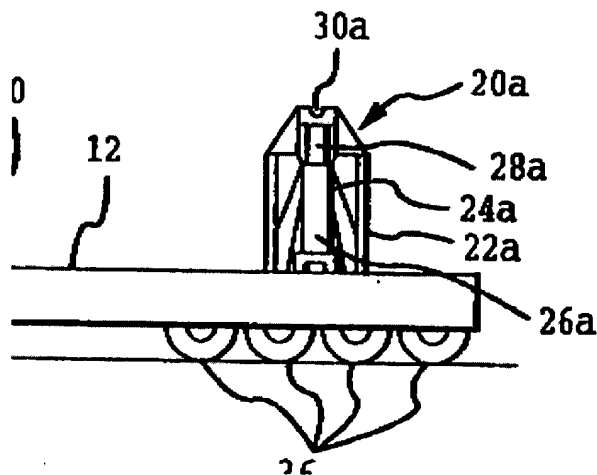
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellinthorpe (US 5,924,648) (previously cited) in view of Cooper (US 3,970,295).

With respect to claims 1, 8-9 & 13-15 & 17, Ellinthorpe discloses a rocket engine transport comprising trailer 10 having a long axis C (or A), tail support member 20A-B configured 30a to receive a pin (see FIG. 1A reproduced below), and a chock assembly 50 and trolley 52 that moves laterally parallel to long axis C (or A) [see FIGS. 3A-B] such that a chock 50 pivots about a rotation axis PA that is perpendicular to long axis C (or A) [C9/L57-58] and does not disclose a chock pivotably coupled to a trolley. With respect to claim 1 (and 7-8, 13 & 15-17) Ellinthorpe's trolley does not traverse a trailer

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having a track as disclosed in Applicant's figures. Thus, a trolley must merely move along a trailer long axis. It is noted that Applicant does not recite a pin affixed to a rocket engine merely a pin affixed near a rocket engine first end (see claim 1, lines 5). Thus, Ellinthorpes



Cooper provides a chock pivotably coupled to a trolley 14 such that pipe, e.g. long tubular bodies, can be precisely positioned and "held at an exact position lengthwise" without restricting accessibility unduly during fitting. C1/L10-15. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the trolley of Ellinthorpe to include a pivotable chock connection to said trolley, as per the teachings of Cooper, for precise positioning of long circular bodies in the lengthwise direction.

With respect to claim 2, Ellinthorpe discloses a bearing assembly.

With respect to claim 3, Ellinthorpe discloses a cradle assembly comprising a support bracket.

With respect to claim 4, Ellinthorpe discloses a trunnion. C7/L3

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With respect to claims 5 & 12, Ellinthorpe discloses a second bearing assembly and second support bracket.

With respect to claim 6, Ellinthorpe discloses a shaft.

With respect to claim 7, Ellinthorpe discloses a trailer 10, tail support member 50, chock 44, trolley, pair of bearing assemblies and pair of cradle assemblies comprising a support bracket and trunnion.

With respect to claim 10, Ellinthorpe discloses a bearing assembly 22a-b.

With respect to claim 11, Ellinthorpe discloses a support bracket and trunnion. C2/L30-35.

With respect to claim 16, Ellinthorpe discloses a trailer 10, tail support member 50, 52 and a chock assembly comprising a chock 44, pair of bearing assemblies, support brackets and trunnion, e.g. left and right hand sides, and does not disclose a trolley. C9/L57-58. Cooper provides a trolley 14 such that pipe, e.g. long tubular bodies, can be precisely positioned and "held at an exact position lengthwise" without restricting accessibility unduly during fitting. C1/L10-15. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Ellinthorpe to include a trolley, as per the teachings of Cooper, for precise positioning of long circular bodies in the lengthwise direction.

Response to Arguments

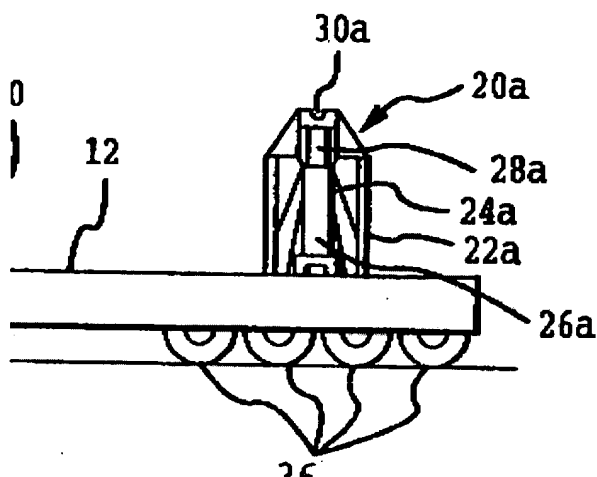
Applicant's arguments with respect to claims 13-14 & 17 have been considered but are moot in view of the new ground(s) of rejection. Applicant's arguments filed

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October 2, 2006 with respect to claims 1-12 & 15-16 have been fully considered but they are not persuasive. The Examiner does not agree with Applicants interpretation.

With respect to claims 1-17, Applicant has recited no structural relationship between a trailer and trolley; although Applicant recites a trailer having a track there is not structural relationship between said components. Thus a trolley may be completely separate from a trailer and merely reciting the ability to traverse parallel to a trailer is not enough as any trolley having wheels will suffice. Thus, Ellinthorpe's trolley which has wheels and travels in a direction parallel to a trailer long axis C (or A), e.g. rolls back as a rocket engine end is lifted reads on Applicant's invention as claimed. Further, Cooper discloses a trolley that has a pivotal chock which as noted above allows precise positioning as pipe is positioned. This is analogous for at least the reason that both Cooper and Ellinthorpe disclose handling of cylindrical objects, pipes and rocket engines, and because both are positioning said cylindrical objects.

Also, Applicant merely claims that a pin be fastened near a rocket engine first end. This conceivably could be anywhere along the length and does not require the pin be attached to the rocket engine. Thus, Ellinthorpe clearly discloses a notch 30a (see FIG. 1A reproduced below) which can accept a pin.



Applicants argument that Cooper does not disclose a trailer is moot as Ellinthorpe discloses a trailer 10. Cooper merely provides the functionality of pivoting a chock on a trolley.

With respect to claim 8, the recitation of a transport having a longitudinal axis has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). Thus, we merely need a chock hinged to a trolley. Broadly construed, Ellinthorpe's trailer 10 is a trolley as it has wheels and can move laterally. The chock is then 50 with the hinge portion being the pin and notch (indicated generally as 30a-b). It is noted that trailer or transport having a track does not appear within the body of claim 8.

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Finally, respect to claims 1, 8, 13, 15 & 17 in response to applicant's argument that the cite prior art does not provide the functionality of lifting a rocket into vertical, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. FIGS. 3A-C in Ellinthorpe clearly disclose lifting one end of a rocket as its second end pivots about an axis (e.g. the pin/notch) to stand a rocket in a vertical position. Moreover, Ellinthorpe discloses a trolley 50, 54 that can traverse. The only structure Applicant positively recites that allows this function is a trailer, notch, trolley and pivotable chock. As noted above the cited prior art discloses at least this function as well as structure.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory W. Adams whose telephone number is (571) 272-8101. The examiner can normally be reached on M-Th., 8:00-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GWA



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